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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

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FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK

August 17, 2023

Lynne Fox
International President
Workers United
22 South 22nd St.
Philadelphia, PA 19103

Dear Ms. Fox:

On July 17, 2023, the Committee on Education and the Workforce sent you a letter regarding a potential employment relationship between Michelle Eisen and Workers United when Ms. Eisen testified at a hearing before the then-Committee on Education and Labor on September 14, 2022.¹ On her truth in testimony form, Ms. Eisen claimed she was only a barista,² but financial disclosure reports suggest she may have been affiliated with your union when she testified.³ Misleading Congress is a serious matter – it undermines the legislative process and denies the public the truth. The Committee requested a response by July 31, 2023, but you have failed to respond.⁴

The Committee took several steps to ensure you were aware of the July 17 letter.⁵ In fact, to ensure Workers United was aware of the letter and as a courtesy, a Committee staff member spoke to a Workers United staff member via telephone, informing your staff of the letter. Additionally, on July 28, the Committee sent you an email reminder with a request that you acknowledge receipt of the letter.

The July 17 letter was also reported in the press.⁶ Between the Committee's communications with your staff and the letter's media attention, there is no reason why Workers United should not

¹ Letter from Virginia Foxx, Chairwoman, H. Comm. on Educ. & the Workforce, to Lynne Fox, Int'l President, Workers United (July 17, 2023) (attached).

² H. COMM. ON EDUC. & LAB., TRUTH IN TESTIMONY DISCLOSURE FORM, MS. MICHELLE EISEN (Sept. 14, 2022), <https://docs.house.gov/meetings/ED/ED00/20220914/115096/HHRG-117-ED00-TTF-EisenM-20220914.pdf>.

³ U.S. DEP'T OF LAB., OFF. OF LAB.-MGMT. STANDARDS, FORM LM-2 LABOR ORGANIZATION ANNUAL REPORT: 2022 WORKERS UNITED, SEIU, <https://olmsapps.dol.gov/query/orgReport.do?rptId=864431&rptForm=LM2Form>.

⁴ *Id.*

⁵ The Committee transmitted its initial letter both by the U.S. Postal Service and by electronic transmission.

⁶ Josh Christenson, *House GOP Probes Union Over Starbucks Barista Who Kept Labor Ties from Congress*, N.Y. POST (July 17, 2023), <https://nypost.com/2023/07/17/rep-foxx-probes-union-on-starbucks-barista-who-didnt-reveal-labor-ties/>.

Ms. Lynne Fox
August 17, 2023
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be aware of the Committee's inquiry. Workers United's apparent decision to ignore this request is unacceptable.

The letter made several straightforward inquiries that could have been answered with plain and simple responses. In total, the letter asked just five questions. Since you have declined to respond to these basic interrogatories, the Committee is forced to request documentation from Workers United to ascertain whether Ms. Eisen was employed by Workers United at the time of the September 2022 hearing.

Please furnish the Committee with the following:

1. On-boarding and other employment paperwork or employment contracts for Ms. Eisen, including all documents that establish when she was hired by Workers United and her rate of compensation.
2. If Ms. Eisen is no longer employed by Workers United, any termination paperwork for her, including any documents indicating the date she was terminated and her last day of employment with Workers United.
3. Any documents that indicate the specific dates Ms. Eisen was issued paychecks by Workers United.

The Committee expects a response. Provide these items no later than August 31, 2023. An attachment to this letter provides additional information about responding to the Committee's request.

Sincerely,



Virginia Foxx
Chairwoman

Enclosures

CC: The Honorable Robert C. "Bobby" Scott, Ranking Member

Responding to Committee Document Requests

1. Workers United's response to questions and request(s) should be answered or provided in a separate document and not included inside a narrative response.
2. In complying with this request, you should produce all responsive documents that are in Workers United's possession, custody, or control, whether held by you or other past or present employees of Workers United, or a representative acting on your behalf. Your response should also produce documents that you have a legal right to obtain, that Workers United has a right to copy or to which you have access, or that you have placed in the temporary possession, custody, or control of any third party.
3. Records, documents, data, or information that have been requested and/or are related to underlying requests should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee on Education and the Workforce (the "Committee").
4. If any entity, organization, or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
5. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions. To the extent responses are provided in paper form, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to a request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued.
6. Regardless of format, documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Indicate the office or division and person from whose files each document was produced.
7. Regardless of format, documents produced to the Committee should include an index describing the contents of the production and a total page count for the entire production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents. Documents produced in electronic format should also be identified and indexed electronically.
8. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.

(c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

9. All documents shall be Bates-stamped sequentially and produced sequentially.
10. When you produce documents, you should individually identify the paragraph, question number or request number in the Committee's request to which the documents respond.
11. It shall not be a basis for refusal to produce documents that any other person or entity—either inside or outside of Workers United—also possesses non-identical or identical copies of the same documents.
12. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), Workers United's staff should consult with the Committee staff to determine the appropriate format in which to produce the information.
13. If compliance with any request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
14. If Workers United does not expect to produce all documents responsive to a request by the date requested, Workers United's staff shall consult with the Committee as soon as it is known Workers United cannot meet the deadline, but no later than 24 hours before the due date to explain:
 - (a) what will be provided by the due date;
 - (b) why Workers United believes certain materials cannot be produced by the due date; and
 - (c) the Workers United's proposed timeline for providing any omitted information.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should:
 - (a) identify the document, including its date, author, subject, and recipients;
 - (b) explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party;
 - (c) state how the document was disposed of;
 - (d) identify the name, current address, and telephone number of the person who currently has possession, custody or control over the document;

- (e) state the date of disposition; and
 - (f) identify the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
16. If any document responsive to this request cannot be located, identify the document and describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
17. In the event that a document or portion of a document is withheld on the basis of alleged privilege, provide a privilege log containing the following information concerning any such document or redaction:
- (a) Bates number(s);
 - (b) the alleged privilege asserted and the grounds therefor;
 - (c) the type of document;
 - (d) the general subject matter;
 - (e) any other description necessary to identify the document;
 - (f) the date, author, and addressee; and
 - (g) the relationship of the author and addressee to each other.

If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced.

18. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
19. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
20. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

21. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or other Workers United employees, or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.
22. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 20, 2021, to the present.
23. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery. Such submission shall include an explanation as to why the information was not produced originally.
24. If physical documents are to be delivered, two sets of documents should be delivered, one set to the Majority Staff in Room 2176 of the Rayburn House Office Building and one set to the Minority Staff in Room 2101 of the Rayburn House Office Building during Committee office hours (9am-5pm, unless other arrangements are made) and signed by members of the respective staffs upon delivery.
25. Upon completion of the document production, Workers United's written response should include a written certification, signed by the President Lynne Fox or her designee, stating that:
 - (a) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
 - (b) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or

representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and/or documents that have been placed in the possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflect s, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
8. The term “entity” includes any lawful association, corporation, partnership, proprietorship, trust, institution, or individual that has the legal capacity to: (1) enter into agreements and contracts; (2) assume obligations; (3) incur and pay debts; (4) sue and be sued in its own right; and (5) be accountable for illegal activities.
9. The term “privilege” includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

10. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
11. The term “Workers United means Workers United, SEIU including (i) its predecessors, successors, parents (including the Service Employees International Union), wholly or partly owned direct or indirect subsidiaries, divisions, affiliates, boards, and joint ventures and any (ii) any current, past, or future partners, officers, directors, employees, representatives, or agents of any of the above entities.

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July 17, 2023

Lynne Fox
International President
Workers United
22 South 22nd St.
Philadelphia, PA 19103

Dear Ms. Fox:

On September 14, 2022, the Committee on Education and Labor for the 117th Congress held a hearing titled "In Solidarity: Removing Barriers to Organizing," where Ms. Michelle Eisen testified. On her Truth in Testimony form, Ms. Eisen represented herself exclusively as a Starbucks barista.⁷ Specifically, Ms. Eisen's Truth in Testimony form listed her position/title as "barista" and indicated she was representing herself at the hearing.⁸

It has come to the attention of the Committee on Education and the Workforce for the 118th Congress (Committee) that Workers United employed Ms. Eisen in 2022.⁹ In the Workers United calendar year 2022 Form LM-2 Labor Organization Annual Report, Ms. Eisen is listed as an organizer who was paid \$49,734 for her services by your labor union.¹⁰

The hearing's primary focus was Workers United's efforts to organize Starbucks. Without more context, Members of the Committee and the public who watched the hearing would come away from the hearing under the impression that Ms. Eisen was simply a barista at a Starbucks where organization efforts were underway. If Workers United had an employment relationship with Ms. Eisen, there was no indication provided of said relationship. Members of the Committee and public observers would have benefitted from knowing whether Workers United was paying Ms. Eisen as an organizer at the time of the hearing.

⁷ *In Solidarity: Removing Barriers to Organizing: Hearing Before the H. Comm. on Educ. & Lab.*, 117th Cong. (2022) (statement of Michelle Eisen),

https://edworkforce.house.gov/uploadedfiles/9.14.22_michelle_eisen_testimony.pdf.

⁸ H. COMM. ON EDUC. & LAB., TRUTH IN TESTIMONY DISCLOSURE FORM, MS. MICHELLE EISEN (Sept. 14, 2022), <https://docs.house.gov/meetings/ED/ED00/20220914/115096/HHRG-117-ED00-TTF-EisenM-20220914.pdf>.

⁹ Josh Christenson, *Starbucks Union Organizer Testified Before Congress Without Disclosing She Was Paid Nearly \$50K*, N.Y. POST, May 22, 2023, <https://nypost.com/2023/05/22/starbucks-union-organizer-kept-her-affiliation-from-congress/>.

¹⁰ U.S. DEP'T OF LAB., OFF. OF LAB.-MGMT. STANDARDS, FORM LM-2 LABOR ORGANIZATION ANNUAL REPORT: 2022 WORKERS UNITED, SEIU, <https://olmsapps.dol.gov/query/orgReport.do?rptId=864431&rptForm=LM2Form>.

Throughout the hearing, the @SBWorkersUnited Twitter profile tweeted several times. For example, the profile noted that it would be live tweeting the hearing and tweeted out when Ms. Eisen began her testimony.¹¹ In another tweet the account identified Ms. Eisen as a “Starbucks union leader.”¹² Two days prior to the hearing, the account noted that Ms. Eisen would be testifying in front of the Committee.¹³ Given these communications, the Committee is interested in Workers United’s involvement with Ms. Eisen’s testimony. Congressional hearings are an essential part of the legislative process. Information provided by witnesses at hearings has the potential to influence legislation and inform public discourse. Therefore, transparency in these matters is critical.

To gain a better understanding of Workers United’s employment relationship with Ms. Eisen and to determine the Union’s influence on her representations at the September 14, 2022, hearing, please provide the Committee responses to the following questions:

1. On what date did Ms. Eisen begin her employment with Workers United?
2. Is Ms. Eisen still employed by Workers United? If not, on what date did her employment with Workers United end?
3. On what dates did Ms. Eisen receive compensation from Workers United?
4. Did Workers United, or any of its agents, assist Ms. Eisen in writing her written testimony for the September 14, 2022, hearing or assist her in preparing to testify at this hearing?

I request that you provide the requested information by no later than July 31, 2023. Thank you for your prompt attention to this request.

Sincerely,



Virginia Foxx
Chairwoman

CC: The Honorable Robert C. “Bobby” Scott, Ranking Member

¹¹ @SBWorkersUnited, TWITTER (Sept. 14, 2022, 10:41 AM), <https://twitter.com/SBWorkersUnited/status/1570060258114146305>; @SBWorkersUnited, TWITTER (Sept. 14, 2022, 11:13 AM), <https://twitter.com/SBWorkersUnited/status/1570068273152274434>.

¹² @SBWorkersUnited, TWITTER (Sept. 14, 2022, 12:33 PM), <https://twitter.com/SBWorkersUnited/status/1570088374643617794>.

¹³ @SBWorkersUnited, TWITTER (Sept. 12, 2022, 4:54 PM), <https://twitter.com/SBWorkersUnited/status/1569429368207986688>.